



PATENT
Attorney Docket No. RIB-007 (7995/11)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Wang et al.
SERIAL NO.: 10/671,326 GROUP NO.: Not yet assigned
FILING DATE: 09/25/03 EXAMINER: Not yet assigned
TITLE: BIFUNCTIONAL HETEROCYCLIC COMPOUNDS AND METHODS
OF MAKING AND USING SAME

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Pursuant to the Office's notice in the August 5, 2003 Official Gazette concerning the partial waiver under 37 CFR 1.98 (a)(2)(i), Applicants enclose copies of the listed foreign patent documents and publications. Applicants will provide the Office with copies of the listed U.S. patents and published U.S. patent applications upon request.

REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

- (1) within three (3) months of the **filin** **g date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
- the requisite Statement is below, OR

- the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or
- (3) after the mailing date of a **final action or notice of allowance** but before the payment of the **issue fee**, **AND**
 - the requisite Statement is below, **AND**
 - the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included herein.

It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

STATEMENT

As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]:

- 1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application **not more than three months** prior to the filing of the Information Disclosure Statement; or
- 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any individual** designated in 37 C.F.R. 1.56(c) **more than three months** prior to the filing of the Information Disclosure Statement.

Date: June 14, 2004
Reg. No. 38,678

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3078370

Respectfully submitted,



Duncan A. Greenhalgh
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JFW

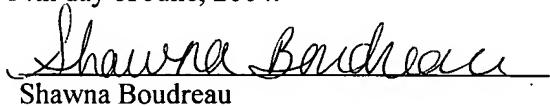
PATENT
Attorney Docket No. RIB-007 (7995/11)

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APPLICANT(S): Wang et al.
SERIAL NO.: 10/671,326 GROUP NO.: Not yet assigned
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TITLE: BIFUNCTIONAL HETEROCYCLIC COMPOUNDS AND
METHODS OF MAKING AND USING SAME

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 14th day of June, 2004.


Shawna Boudreau

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is/are:

Transmittal Form (1 pg.);
Supplemental Information Disclosure Statement (2 pgs.);
Form PTO-1449 (1 pg.);
Copies of references B24-B28, and C12; and
Return Receipt Postcard.

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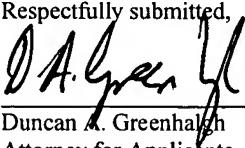


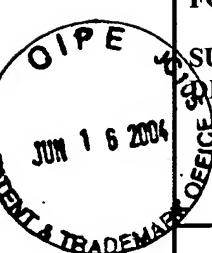
TRANSMITTAL FORM

JUN 16 2004	Application Serial Number	10/671,326
	Filing Date	09/25/03
	First Named Inventor	Wang et al.
	Group Art Unit	Not yet assigned
	Examiner Name	Not yet assigned
	Attorney Docket No.	RIB-007 (7995/11)
	Patent No.	Not applicable
	Issue Date	Not applicable

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <ul style="list-style-type: none"> <input type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form 	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences
<input type="checkbox"/> Amendment/Response <ul style="list-style-type: none"> <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets _____] 	<input type="checkbox"/> Formal Drawing(s)	<input type="checkbox"/> Appeal Brief (in triplicate)
<input type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal	<input type="checkbox"/> Status Inquiry
<input checked="" type="checkbox"/> Supplemental Information Disclosure Statement <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Form PTO-1449 <input checked="" type="checkbox"/> Copies of SIDS Citations (B24-B28 & C12) 	<input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)	<input checked="" type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8
<input type="checkbox"/> Sequence Listing submission <ul style="list-style-type: none"> <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above 	<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application	<input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8
	<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Additional Enclosure(s) (please identify below)
	<input type="checkbox"/> CD(s) for large table or computer program	
	<input type="checkbox"/> Amendment After Allowance	
	<input type="checkbox"/> Request for Certificate of Correction <ul style="list-style-type: none"> <input type="checkbox"/> Certificate of Correction (in duplicate) 	

CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibeault, LLP High Street Tower 125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100	<p>Respectfully submitted,</p> <p> Duncan A. Greenhalgh Attorney for Applicants Testa, Hurwitz & Thibeault, LLP High Street Tower 125 High Street Boston, MA 02110</p>



FORM PTO - 1449

SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT

ATTORNEY DOCKET NO.: RIB-007

APPLICANT(S): Wang et al.

SERIAL NO.: 10/671,326

FILING DATE: September 25, 2003

GROUP: Not yet assigned

U.S. PATENT DOCUMENTS

EXAM INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A35	2003/0181399 A1	09/25/03	Wong et al.	514	35	04/27/01
	A36	2004/0014685 A1	01/22/04	Mercep et al.	514	26	07/08/03
	A37	2004/0077612 A1	04/22/04	Mercep et al.	514	175	07/08/03
	A38	2004/0097434	05/20/04	Mercep et al.	514	28	07/07/03

FOREIGN PATENT DOCUMENTS

EXAM INIT.		DOCUMENT NUMBER	DATE	COUNTRY CODE	CLASS	SUB CLASS	FILING DATE	ABSTRACT ONLY	ENGLISH LANG (Y/N)
	B24	WO 01/80863 A1	11/01/01	PCT	A61K31	70	04/27/01	NO	YES
	B25	WO 2004/005309 A2	01/15/04	PCT	C07H 17	00	07/07/03	NO	YES
	B26	WO 2004/005310 A2	01/15/04	PCT	C07H 17	00	07/08/03	NO	YES
	B27	WO 2004/005313 A2	01/15/04	PCT	C07J		07/08/03	NO	YES
	B28	WO 2004/043984	05/27/04	PCT	C07H 17	08	11/10/03	NO	YES

OTHER ART, JOURNAL ARTICLES, ETC.

EXAM INIT.	OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)								
	C12	Akritopoulou-Zanze et al., "Synthesis and antibacterial activity of novel bifunctional macrolides," Bioorganic & Medicinal Chemistry Letters xxx (2004) xxx-xxx, Available online www.sciencedirect.com							

EXAMINER

DATE CONSIDERED

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